



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

October 31, 2022

VIA ECF

The Honorable Denise L. Cote
United States District Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: SEC v. Frank B. Glassner, 22 Civ. 04254 (DLC) (S.D.N.Y.)

Dear Judge Cote:

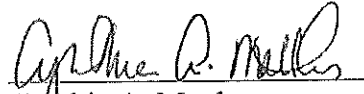
Plaintiff Securities and Exchange Commission ("Commission") respectfully submits this letter to seek an adjournment of the Initial PreTrial Conference, scheduled for November 3, 2022, given the parties' partial resolution of this case, as described below. Defendant Glassner consents to the Commission's request.

The Court entered the Judgment as to Defendant Frank B. Glassner on August 26, 2022 (ECF Docket # 12), granting injunctive relief and resolving the Commission's non-monetary claims in this case on consent, but leaving the issue of monetary relief for the Court's resolution upon a motion by the Commission. The Commission anticipates that the parties will try to reach a settlement as to the monetary relief after Glassner's sentencing in his related criminal proceeding, currently scheduled for December 6, 2022. Glassner's sentence may affect the monetary relief the Commission seeks in this action. *See, e.g., SEC v. Palmisano*, 135 F.3d 860, 866-67 (2d Cir. 1998) ("The judgment of the district court is modified to provide that to the extent that Palmisano makes payment of restitution as ordered in the judgment entered in the criminal case, those payments shall offset his disgorgement obligation in the present case.").

*The Clerk of Court shall reopen
the case. The 11/3 conference
is cancelled. A status letter
is due 12/16/22. Denise Cote
11/1/22*

Accordingly, the Commission respectfully proposes that the Court adjourn the Initial PreTrial Conference and allow the parties to submit a status report by December 16, 2022, as to the status of the related criminal proceeding and the parties' settlement negotiations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cynthia A. Matthews", written over a horizontal line.

Cynthia A. Matthews
Senior Counsel
Division of Enforcement

cc: Chris Cannon, Esq.
Counsel for Defendant (via ECF)